

REMARKS

Following the Applicants' timely reply filed on April 13, 2006 within two months of the final rejection on February 13, 2006, the Examiner has issued an Advisory Action dated June 1, 2006 stating that the reply fails to place this application in condition for allowance. The Applicants disagree.

In their reply the Applicants had submitted proposed amendments to Claims 9, 13, and 44 rewriting them as independent claims incorporating all of the limitations of the claims from which they depend, and canceling Claims 1-8, 10-12, 21-24, 37-43, and 45-46, all of which currently stand rejected under 35 U.S.C. § 102(e). The Applicants further submitted that the requested amendments and cancellations placed all of the remaining claims in this application, Claims 9, 13-20, 25-36, 44, and 47-48, in condition for allowance.

Upon receipt of the Advisory Action, the undersigned called both Examiner Chow and Supervisory Primary Examiner Zhen to discuss Examiner Chow's explanation accompanying the Advisory Action, which explanation the Applicants submit contains certain errors. Specifically, Examiner Chow states that the amendment to Claim 9 changes the scope of the claim because it does not incorporate the limitations contained in Claims 6, 7, and 8. In response, the Applicants note that Claim 9 as originally presented or subsequently amended never depended from Claims 6, 7, and 8. Therefore, Examiner Chow's statement is incorrect.

In addition, Examiner Chow states that the Applicants' reply does not properly disqualify the reference to U.S. Patent No. 6,252,589 to Bjorn C. Rettig et al. ("Rettig"). In response, the Applicants submit that Examiner Chow is mistaken with regard to the disqualification of Rettig. As indicated in their reply, the Applicants again submit that the cited reference to Rettig is disqualified from being relied upon to support the rejection of Claims 9, 13-20, 25-36, 44, and 47-48 under 35 U.S.C. § 103(a), because, pursuant to 35 U.S.C. § 103(c)(1), Rettig and the

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present application were commonly owned by the same assignee, Microsoft Corporation, at the time the invention of the present application was made. A statement by the undersigned asserting the common ownership at the time the invention was made properly appeared in the reply on Page 9 in a separately labeled section entitled STATEMENT OF COMMON OWNERSHIP pursuant to MPEP § 706.02(l)(2).

On June 9 and June 12, the undersigned spoke with Examiner Chow and SPE Zhen, after which SPE Zhen agreed that the Advisory Action was issued in error with respect to the statements regarding Claim 9 and the disqualification of the Rettig reference, and indicated that a corrected Advisory Action would be issued. On June 13, the undersigned received a telephone call from Examiner Chow indicating that a supplemental Advisory Action would be issued to correct the errors. Examiner Chow expressed concern, however, that the amendments to Claim 9 enlarged the scope of the claim with respect to the limitations incorporated from dependent Claims 5 because amended Claim 9 recites a "unique number *including* a checksum" whereas dependent Claim 5 recites that the "unique number *is* a checksum." Examiner Chow further expressed her concern that the amendments to Claim 9 enlarged the scope of the claim because amended Claim 9 does not include all of the limitations recited in Claim 45 that originally were recited in Claim 1.

In response to Examiner Chow's remaining concerns regarding the scope of amended Claim 9, the Applicants have submitted in this Amendment modifications to the previously proposed amendment to Claim 9. In particular, the Applicants have requested that Claim 9 be amended to recite "wherein the representation is a unique number and the unique number *is* a checksum." The Applicants have further requested that Claim 9 be amended to recite "determining whether the alternate resource module is compatible with the operating system based on *comparing* the first resource content and the second resource content," inserting the

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limitation "comparing" that originally appeared in Claim 1, and which subsequently appeared in dependent Claim 45.

In view of the foregoing, the Applicants respectfully request that the Examiner enter the modified amendment to Claim 9, as well as the amendments to Claims 13 and 44 as indicated in this response in the AMENDMENTS TO THE CLAIMS section to rewrite them as independent claims incorporating all of the limitations of the claims from which they depend, and to cancel Claims 1-8, 10-12, 21-24, 37-43, and 45-46, all of which currently stand rejected under 35 U.S.C. § 102(e). The Applicants submit that the requested amendments and cancellations will place all of the remaining claims in this application, Claims 9, 13-20, 25-36, 44, and 47-48, in condition for allowance. Accordingly, pursuant to 37 C.F.R. § 1.116, the Applicants respectfully request reconsideration and allowance of this application.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date:


July 3, 2006

DJC:sbk

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